

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JACQUES,

Plaintiff,

v.

M. BRAHNEY, et al.,

Defendants.

No. 2:21-cv-0143-TLN-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. He moves to compel defendants to provide him with a copy of the transcript from his deposition. ECF No. 42. Pursuant to Rule 30 of the Federal Rules of Civil Procedure, however, plaintiff must first pay for a copy of the deposition transcript, and then obtain it from the officer before whom the deposition was taken. Fed. R. Civ. P. 30(f)(3). Neither the court nor the defendants may be forced to bear this cost.¹ Although plaintiff is proceeding in forma pauperis pursuant to 28 U.S.C. § 1915, that statute does not authorize the expenditure of public funds for deposition transcripts. *See* 28 U.S.C. § 1915; *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (per curiam) (“[T]he expenditure of public funds [on behalf of an indigent

¹ However, the court in its discretion may order that a transcript be prepared when necessary to resolve a pending dispositive motion or factual dispute at trial. Currently, there is no such need for the court to request its own copy.

litigant] is proper only when authorized by Congress”) (alteration in original) (quoting *United States v. MacCollom*, 426 U.S. 317, 321 (1976)).

Accordingly, it is ORDERED that plaintiff’s motion to compel (ECF No. 42) is denied.

Dated: May 5, 2022.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE